

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

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In re:	:	
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THE FINANCIAL OVERSIGHT AND	:	PROMESA
MANAGEMENT BOARD FOR PUERTO RICO,	:	Title III
	:	
as representative of	:	Case No. 17-BK-3283 (LTS)
	:	
THE COMMONWEALTH OF PUERTO RICO <i>et al.</i> ,	:	(Jointly Administered)
	:	
Debtors. <sup>1</sup>	:	
	X	

**ORDER**

This matter is before the Court on the *Urgent Omnibus Motion for Re-Issuance of Summons and/or Authorization of Service by Publication or Alternative Request for Order to (I) Make Service within a Specified Time or (II) Extend Time for Service for an Appropriate Period Pursuant to Fed. R. Civ. P. 4(M)* (Dkt. No. 9545 in 17-BK-3283) (the “Urgent Motion”), and the *Affidavit of Sunni P.Beville, Esquire in Response to Court’s Order to Show Cause Regarding Urgent Omnibus Motion for Re-Issuance of Summons and/or Authorization of Service by Publication or Alternative Request for Order to (I) Make Service within a Specified Time or (II)*

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<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the “Commonwealth”) (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

*Extend Time for Service for an Appropriate Period Pursuant to Fed. R. Civ. P. 4(M) (D.I. 9594 in Case No. 17-3283)* (the “Affidavit of Counsel”) filed in the Adversary Proceedings listed in Attachment 1 to this Order. The Urgent Motion is ALLOWED IN PART AND DENIED IN PART in accordance with this order.

Through the Urgent Motion, the Plaintiffs<sup>2</sup> represented that they have been unable to effect service of process on the Defendants in the Adversary Proceedings listed in Exhibit 1 of the Urgent Motion. The Plaintiffs requested that the Court re-issue expired summonses so that the Plaintiffs could attempt service again at different addresses they had obtained for the Defendants in the Adversary Proceedings. The Plaintiffs also requested leave to make service by publication “if service by mailing of the summons and complaint appears to be unsuccessful.” (Urgent Motion at ¶25).

Because the dockets in the Adversary Proceedings showed Summonses Returned Executed for each of the Defendants, the Court ordered the Plaintiffs to show cause as to why they needed summonses to be reissued for each of the Defendants from whom they had already filed Summonses Returned Executed.

Accordingly, on December 23, 2019, the Plaintiffs filed the Affidavit of Counsel in certain of the Adversary Proceedings and withdrew the Urgent Motion in the remaining Adversary Proceedings.<sup>3</sup> The Affidavit of Counsel provides sufficient cause to re-issue the summonses in

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<sup>2</sup> Capitalized terms not defined herein shall have the meanings given to them in the Urgent Motion.

<sup>3</sup> Plaintiffs withdrew the Urgent Motion in the following Adversary Proceedings: 19-055, 19-067, 19-070, 19-093, 19-127, 19-160, 19-172, 19-190, 19-193, 19-203, 19-232, 19-261. The Court assumes service is complete in these Adversary Proceedings and no summonses will be re-issued for these Adversary Proceedings.

the Adversary Proceedings listed in Attachment 1. Accordingly, the Court directs the clerk to re-issue summonses in the Adversary Proceedings listed in Attachment 1.

The Court also finds good cause to extend the deadline for service in the Adversary Proceedings listed in Attachment 1 to fourteen (14) days following the date of this order. Plaintiffs are instructed to wait thirty (30) days following mailing of the re-issued summonses before filing a summons returned executed. If service is not completed, Plaintiffs are instructed to file a summons returned un-executed before seeking re-issuance of the summons or seeking leave to make service by alternate means.

Finally, the Court DENIES WITHOUT PREJUDICE the Plaintiffs' request to effectuate service by publication. The Plaintiffs have not shown that service cannot be completed by mailing and have not identified the defendants upon whom they intend to make service by publication. Accordingly, the Court cannot authorize service by publication at this time.

SO ORDERED.

This Order resolves Dkt. No. 9545 in 17-BK-3283.

/s/ Judith Gail Dein

Judith Gail Dein

United States Magistrate Judge

Dated: January 9, 2020